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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,898	02/13/2004	Norbert Rilitz	P24886	6098
7055	7590	05/23/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/777,898	Applicant(s) RILITZ ET AL.	
	Examiner Gregory W. Adams	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. DE 10307785.5.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-34, 35-36 & 37-38 in the reply filed on April 6, 2006 is acknowledged. The traversal is on the ground(s) that dependent claims 35-36 cannot be restricted from claims 1-34 & 37-38. The restriction is valid because claims 35 & 36 are not dependent claims but rather independent claims written in shorthand format. Claims 1-34 and 37-38 belong within a different statutory classification as set forth in 35 USC 101 from the invention disclosed in claims 35-36. The requirement is still deemed proper and is therefore made FINAL and claims 35-36 are withdrawn.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 1 is objected to because of the following informalities: The limitations "the stack" in lines 10-13 lack sufficient antecedent basis. Open to multiple interpretations the "stack" recited in lines 10-13 could mean a pre-collected stack or a collected stack given that Applicant defines "stack" in line 4-5 to include both a collected stack and pre-collected stack. If Applicant intends "stack" in lines 10-13 to refer to "a stack" recited in line 3 it would be better to define line 3 and subsequent occurrences as —an initial stack— to cure any indefiniteness.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8-16, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (US 5,664,767) in view of Meschi (US 5,292,223) (cited by applicant) and Deutschle et al. (US 20020084578) (cited by applicant).

With respect to claims 1, 8-16 & 31-32, Voss discloses a pallet, separating element 16, a holding device, 12 (or 11), separating table 8, forward guiding device 10, and rear guiding device 12.

Voss does not disclose holding elements arranged on a first crossbeam. Deutschle et al. discloses holding elements in a first beam 52 such that upon separation between a collected stack and a pre-collected stack, a next sheet for a pre-collected stack will be drawn to a separating element 28. Deutschle further discloses a first crossbeam that moves vertically and horizontally, simultaneously with separating elements such that a separating table may be inserted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include a holding element, as per the teachings of Deutschle et al., such that during continuous stacking a pre-collected stack first sheet is attracted to a separating element.

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Voss does not comprise vertically movable guides. Meschi discloses telescoping guides 20 such that not just the most irregularly stacked paper-sheets may be aligned but all sheets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guides of Voss to include movable guides (i.e. structure which provides movement), as per the teachings of Meschi, to align both minor stacking alignment errors and major alignment error.

With respect to claims 2-4, Voss is adapted to handle paper, cardboard, foil, flexible material and rigid material from a cutter delivered on a feed belt.

With respect to claim 7, Voss discloses a planar separating table.

With respect to claims 33-34, Voss disclose high rigidity and modular arrangement.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (US 5,664,767) in view of Meschi (US 5,292,223), Deutschle et al. (US 20020084578) and Williams (US 2,957,691).

With respect to claim 6, Voss does not disclose a detector. Williams discloses a detector 60 to impart a tap or thrust to sheets whereby engagement of the same with a guide and create even piling. Col. 6. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voss' rear stops to include a detector, as per the teachings of Williams, to create even piling. It is noted that while Williams discloses a front stop having detector, the function of even piling applies to Voss' rear stops as well.

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3. Claims 17-28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (US 5,664,767) in view of Meschi (US 5,292,223) and Deutschle et al. (US 20020084578) and Thornton (US 4,162,649).

With respect to claim 17, Voss does not disclose a second crossbeam. Thornton discloses a first crossbeam 53 and a second crossbeam (indicated generally in FIG. 8 as reference character 6), with rails tying said crossbeams to keep successive sheets vertical, or nearly vertical during stacking and subsequent insertion of a separation table 53 between collected and pre-collected stacks. Col. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include a second cross beam, as per the teachings of Voss, to keep stacks vertical during stacking and separation.

With respect to claim 18-26, Voss does not comprise vertically movable guides. Meschi discloses telescoping guides 20 such that not just the most irregularly stacked paper-sheets may be aligned but all sheets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guides of Voss to include movable guides (i.e. structure which provides movement), as per the teachings of Meschi, to align both minor stacking alignment errors and major alignment error.

With respect to claim 27-28, Voss does not disclose a moving first crossbeam. Deutschle et al. discloses a first crossbeam that moves "downward in the direction of arrow 74 [or 92]...simultaneously with downward movement of the stack separating finger 26..." as well as in a travel direction such that a separating table may be properly

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inserted between a collected stack and a pre-collected stack. Cols. 1-2; Col. 10.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include a movable first crossbeam, as per the teachings of Deutschle et al., for proper separating table insertion.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (US 5,664,767) in view of Meschi (US 5,292,223) and Deutschle et al. (US 20020084578).

Voss discloses a pallet, a movable separating fingers 16, holding device 11, movable separating device 8, forward guiding device 10, and rear guiding device 12 which is adapted to stack sheets of paper, cardboard, foil, flexible material and rigid material from a cutter delivered on a feed belt.

Voss does not disclose holding elements arranged on a first cross-member. Deutschle et al. discloses holding elements in a first cross member 52 such that upon separation between a collected stack and a pre-collected stack, a next sheet for a pre-collected stack will be drawn to a separating element 28. Deutschle further discloses a first cross-member that moves vertically and horizontally, simultaneously with separating elements such that a separating table may be inserted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include a holding element, as per the teachings of Deutschle et al., such that during continuous stacking a pre-collected stack first sheet is attracted to a separating element.

Voss does not comprise vertically movable guides. Meschi discloses movable guiding devices such that not just the most irregularly stacked paper-sheets may be aligned but all sheets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guides of Voss to include movable guiding devices (i.e. structure which provides movement), as per the teachings of Meschi, to align both minor stacking alignment errors and major alignment error.

5. Claims 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (US 5,664,767) in view of Meschi (US 5,292,223) and Deutsche et al. (US 20020084578) and Thornton (US 4,162,649).

Voss discloses a movable separating fingers 16, movable separating device 8, and forward 10 and rear guiding devices 12 which is adapted to stack sheets of paper, cardboard, foil, flexible material and rigid material from a cutter delivered on a feed belt.

Voss does not disclose support elements arranged on a first cross-member. Deutsche et al. discloses support elements in a first cross member 52 such that upon separation between a collected stack and a pre-collected stack, a next sheet for a pre-collected stack will be drawn to a separating element 28. Deutsche further discloses a first cross-member that moves vertically and horizontally, simultaneously with separating elements such that a separating table may be inserted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include a holding element, as per the teachings of Deutsche et al., such that during continuous stacking a pre-collected stack first sheet is attracted to a separating element.

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Voss does not comprise vertically movable guides. Meschi discloses movable guiding devices such that not just the most irregularly stacked paper-sheets may be aligned but all sheets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guides of Voss to include movable guiding devices (i.e. structure which provides movement), as per the teachings of Meschi, to align both minor stacking alignment errors and major alignment error.

Voss does not disclose guide devices connecting a first cross-member and a second cross-member. Thornton discloses a first cross-member 53 and a second cross-member (indicated generally in FIG. 8 as reference character 6), with rails tying said cross-members to keep successive sheets vertical, or nearly vertical during stacking and subsequent insertion of a separation table 53 between collected and pre-collected stacks. Col. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Voss to include guide devices connecting a first cross-member and a second cross-member, as per the teachings of Voss, to keep stacks vertical during stacking and separation.

Allowable Subject Matter

Claims 29-30 are allowed.

Response to Arguments

Applicant's arguments filed April 6, 2006 have been fully considered but they are not persuasive.

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Open to multiple interpretations, the above claim 1 objection notes that “the stack” in lines 10-13 may refer to either a stack, collected stack or a pre-collected stack. Thus, its unclear which stack is being acted upon by front and rear guides.

With respect to claims 1-34 & 37-38, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Deutschle teaches that adding a first beam that moves vertically and horizontally removes the requirement of clamping a fully grown stack between two jaws (para. [0068]) and Meschi adds the ability to adjust guides to align all sheets during stack growth. Further, Deutschle, Meschi, Thornton and Williams are at least analogous for their treatment of stacks and are thus properly combined with the base reference.

Deutschle further discloses a crossbeam 52 and holding elements 56 that “attract objects”, i.e. holding through a vacuum. Para. [0050].

With respect to claims 2-5, 8-16 & 31-34 and Applicant's conclusive arguments, Applicant is respectfully directed to the rejection on the merits above structural recitations that read on claims 2-5, 8-16 & 31-34.

With respect to claim 6, Williams is not cited as disclosing a rear guide, only modifying Voss' rear guide 19 (C4/L19) to include a detector which allows a sheet to be placed on a stack preventing corner bending.

With respect to claims 17-28 & 38, crossbeam 53 is in a region of a sheet conveying device. While Applicant has not further defined "region", broadly construed region encompasses Thornton's apparatus and immediate area therein. Further, with respect to conclusive arguments directed to claims 17-28 Applicant is respectfully directed to the rejections above for clarification.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA


JAMES W. KEENAN
PRIMARY EXAMINER